

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report #309 of the Academic Appeals Committee

July 19, 2006

Your Committee reports that it held a hearing on Wednesday June 28, 2006, at which the following were present:

Assistant Dean Bonnie Goldberg, Chair

Mr Husain Aboghodieh

Professor Yuki Johnson

Dr. Joel Kirsh

Professor Ian McDonald

Dr. Anthony Gray, Judicial Affairs Officer

In Attendance:

The Student, the appellant

Associate Dean Nick Cheng, University of Toronto Scarborough, the respondent

The Appeal

The student is appealing the decision of the University of Toronto Scarborough (“UTSC”) Subcommittee on Academic Appeals dated February 8, 2006 denying her permission to withdraw late without academic penalty from the 2005 Fall course, MATA30H3S (“the course”).

Facts

The student enrolled in UTSC in the Fall 2005 session as an Honours Bachelor of Science student. By November 6, 2005, the last day on which to withdraw from Fall session courses without academic penalty, the student had received graded work worth a total of at least 20% of the course grade, including a term test worth 15%. The student’s self-assessment of her performance caused her to decide to withdraw from the course, but this did not occur until after the deadline for withdrawing from courses.

Previous Decisions

On November 11, 2005, the student submitted a petition for late withdrawal from the course. In this petition, the student wrote:

The reason I [am requesting withdrawal] after the deadline is because I was confident in myself, before the deadline that I could pull up my course mark after writing the second test. However, the result of my test was not satisfying at all. I am very disappointed in myself. ... I had a slow realization in this new learning

environment and have therefore, caused the trouble and time of others. ... I am really hoping that this petition could be granted. Otherwise, this low mark, which I strongly believe was not totally reflective of my knowledge and passion in calculus would severely/negatively affect my overall GPA average.

The petition was denied in a letter dated November 17th from Associate Dean Cheng. The decision stated the grounds presented were not sufficient to warrant granting late withdrawal noting that from the information provided “it is clear that you were aware of your grade from the first test before the drop date. It is your responsibility to assess your situation carefully and to have dropped the course by the appropriate deadline.”

On December 6, 2005, the student appealed the denial of her petition to the UTSC Subcommittee on Academic Appeals. This appeal presented the same argument as the petition. The student stated:

As a first year student, I did not adapt to the new learning environment quickly enough. ... After receiving [my score] I did not realize that there was only 2 days left until the deadline to drop the course. ... I hope that a silly mistake that I made as a 1st year student would not affect my following years so much.

Her appeal was denied on February 8, 2006. The Subcommittee stated:

Unfamiliarity with the rules is not grounds for suspending them ...you did receive marks worth 20% of your course grade before the drop date, although it is clear that you had very little time in which to make the decision whether to stay in the course. To conclude, the committee sympathized with your situation but found no grounds on which your appeal could be granted.

The student now appeals to the Academic Appeals Committee of Governing Council.

Decision

There are two issues before this Committee. First, whether UTSC erred in its decision to deny the appeal, based on the information it had. Second, whether the appeal should be allowed in any event based on the new evidence provided by the student.

The committee finds that the UTSC divisional appeals committees made the only decision they could on the information they had. The remedy of late withdrawal without academic penalty is an extraordinary remedy, reserved for unusual and unique situations. The idea of “drop dates” indicates that the University expects that a student will make a decision whether to continue in a course a few weeks into the term. But by the drop date, a student is expected to have assessed her situation and made a decision. Once the drop date passes, the implication is that the student has decided to continue on in the course. Exceptions to this policy are rare, but could include situations where unexpected and unforeseeable circumstances occur after the drop date, where already-existing

circumstances become unpredictably worse, or where already-existing circumstances do not reasonably resolve.

Applying this reasoning to the present situation, the student had sufficient information about her progress in the course to make an informed decision. While we accept that the student was new to the UTSC system, the student herself indicated that she was aware of the deadlines but was waiting to assess her progress on the second mid-term. Based on the grounds presented by the student in the petition and the appeal, UTSC made the appropriate decision.

On the second matter, this committee was privy to new information that had not been previously presented. The student informed us that she suffered from stress-induced migraines on the weekend of November 4th, aggravated by her parents' divorce. She did not provide information to substantiate this claim in her appeal materials and had not raised these grounds at any previous level.

To substantiate her claim, the student produced a medical note dated June 27, 2006 (the day prior to this appeal hearing) that referred to a history of migraines. The physician who signed the note is her family physician but not the physician whom the student indicates treated her the weekend in November when she was ill.

The additional evidence provided at the hearing is insufficient for this Committee to find that UTSC erred in its decision or that a different result should occur.

This Committee regrets that students may not always be sufficiently aware of the resources available to them or the ways in which to provide sufficient information to petition for relief from a regulation. However, without medical or other documentation supporting the existence of exceptional circumstances that may have happened prior to or near to the drop date for the course, this Committee cannot alter the decisions of the previous committees. Even if the student was incapacitated with respect to her ability to make a decision on the date on which students were required to drop their courses, we have no specific evidence of this, nor was this information conveyed to the previous divisional appeals bodies. Thus, the student did not meet the standard UTSC applies to all students who petition for late withdrawal without academic penalty.

The appeal is dismissed.